

APPEAL NO. 022143
FILED SEPTEMBER 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was begun on May 23, 2002, and continued until and concluded on July 22, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth quarter (December 29, 2001, through March 29, 2002), and that the respondent (carrier) would be relieved of liability for SIBs from December 29, 2001, through March 4, 2002, because of the claimant's failure to timely file the Application for [SIBs] TWCC-52. The claimant appealed and the carrier responded, urging affirmance.

DECISION

Reversed and remanded.

Due to procedural irregularities found in the record on appeal, this case is reversed and remanded. The Decision and Order is void, and the hearing officer is to be recused. Another hearing officer shall be appointed to hear this matter on a de novo basis. At the rehearing of this matter, both parties shall be allowed to present evidence in support of their respective positions in accordance to Texas Workers' Compensation Commission Rules.

The hearing officer's decision and order is void, and this matter is remanded for a new hearing, de novo, before another hearing officer.

The true corporate name of the insurance carrier is **BITUMINOUS CASUALTY CORPORATION** and the name and address of its registered agent for service of process is

**GLENN CAMERON
222 WEST LAS COLINAS BLVD., SUITE 1720
IRVING, TEXAS 75016-7968.**

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge